

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

QUELENDAS. MITCHELL,

Plaintiff,

v.

Case No. 20-cv-214-pp

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER REQUIRING PLAINTIFF TO FILE AMENDED MOTION FOR LEAVE
TO PROCEED WITHOUT PREPAYING THE FILING FEE**

The plaintiff, who is representing herself, has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

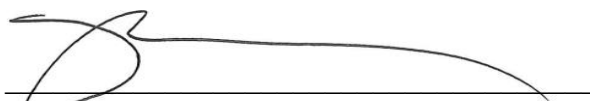
The plaintiff's affidavit does not provide enough facts for the court to determine whether she can pay the filing fee. The affidavit indicates that the plaintiff is not employed, she is not married, and she has no dependents she is responsible for supporting. Dkt. No. 2 at 1. The only source of income the plaintiff lists is \$187 per month from "Foodshare," *id.* at 2, and she lists no expenses at all—no rent, no mortgage payment, no household expenses such

as food, cell phone, utilities, etc., id. at 2-3. The court is perplexed as to how the plaintiff is living. The plaintiff states that she does not own a car or her home, she has no other property of value, and she has no cash on hand or in a checking or savings account. Id. at 3-4. In the other circumstances section of the request, the plaintiff wrote “Unable to work pending Social Security Benefits.” Id. at 4. This explains why the plaintiff does not list any employment income, but it doesn’t explain her circumstances of daily living. Perhaps the plaintiff lives with family or friends free of charge, perhaps those family or friends also provide for her needs, but there is nothing in the affidavit telling the court whether that’s the case or who supports the plaintiff. The court will ask the plaintiff to file an amended request that clarifies her living situation—how does she provide for the basic needs of shelter, food, clothing and daily living expenses.

The court will send the plaintiff a blank form and **ORDERS** that the plaintiff must file an amended request to proceed without prepaying the filing fee by the end of the day on **March 6, 2020**. If the plaintiff does not provide a new request in time for the court to receive it by the deadline, the court will deny her application to proceed without prepaying the filing fee and will require her to pay the full \$400 filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 14th day of February, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge